

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

ATTORNEY'S DOCKET NUMBER

112701-501

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/523765**INTERNATIONAL APPLICATION NO.  
**PCT/EP03/008356**INTERNATIONAL FILING DATE  
**29 July 2003**PRIORITY DATE CLAIMED  
**7 August 2002**

TITLE OF INVENTION

**CEREAL BASED FOOD PRODUCT COMPRISING DHA AND/OR EPA**

APPLICANT(S) FOR DO/EO/US

**Birgit Sievert**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 351 264 906 US**
23. ☒ Other items or information:  
**Power of Attorney (1 page)**  
**Return Receipt Postcard**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |   |   |            |
|--|--------------|--|---|---|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><b>10/523765</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/008356</b>                |   | ATTORNEY'S DOCKET NUMBER<br><b>112701-501</b> |            |
| 24. The following fees are submitted:  |              |  |   | Applicant use                                 | Office use |
| <input checked="" type="checkbox"/> a) Basic national fee . . . . . \$300.00   |              |  |   | \$  | \$300.00   |
| <input checked="" type="checkbox"/> b) Examination fee . . . . . \$200.00  |              |  |   | \$  | \$200.00   |
| <input checked="" type="checkbox"/> c) Search fee . . . . . \$500.00   |              |  |   | \$  | \$500.00   |
| <b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>   |              |  |   | \$  | \$1,000.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |   |   |            |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE  |   |            |
| - 100 =  | /50 =        |  | x \$250.00  | \$  | \$0.00     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |   | \$  |            |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE  |   |            |
| Total claims   | 24 - 20 =    | 4  | x \$50.00   | \$  | \$200.00   |
| Independent claims   | 5 - 3 =      | 2  | x \$200.00  | \$  | \$400.00   |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |   | \$  | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |   | \$  | \$1,600.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |   | \$  | \$0.00     |
| <b>SUBTOTAL =</b>  |              |  |   | \$  | \$1,600.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |   | \$  | \$0.00     |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |   | \$  | \$1,600.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |   | \$  | \$0.00     |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |   | \$  | \$1,600.00 |
| Amount to be refunded:   |              |  |   |   | \$         |
| Amount to be charged:  |              |  |   |   | \$         |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$1,600.00</b> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>02-1818</b> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |  |   |   |            |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |  |   |   |            |
| SEND ALL CORRESPONDENCE TO:  |              |  |   |   |            |
| Robert M. Barrett (30,142)<br>Bell, Boyd & Lloyd LLC<br>P.O. Box 1135<br>Chicago, IL 60690-1135  |              |  | SIGNATURE<br><b>Robert M. Barrett</b><br>NAME<br><b>30,142</b><br>REGISTRATION NUMBER |   |            |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Birgit Sievert  
Appl. No.: PCT/EP03/008356  
Filed: 29 July 2003  
Title: CEREAL BASED FOOD PRODUCT COMPRISING DHA AND/OR EPA  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-501

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of International Application As Filed (20 pages);
3. Copy of International Preliminary Examination Report (5 pages);
4. Copy of International Search Report (6 pages);
5. Unexecuted Declaration (2 pages);
6. Power of Attorney (1 page);
7. Preliminary Amendment (40 pages);
8. Check in the Amount of \$1,600.00; and
9. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

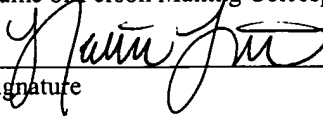
on February 7, 2005

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence



Signature

EV 351 264 906 US

Express Mail Mailing Label Number